

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PROTECTION FROM IONIZING IRRADIATION OR CHEMOTHERAPEUTIC DRUG DAMAGE BY IN VIVO GENE THERAPY

the specification of which (check one)

is attached hereto

was filed on June 7, 1995 as Application Serial No. 8 / 484,836 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

NUMBER	COUNTRY	DAY/MONTH/YEAR FILED	PRIORITY CLAIMED

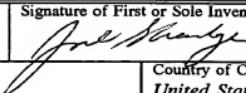
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS: PATENTED, PENDING, ABANDONED
<u>08/136,079</u>	<u>OCTOBER 15, 1995</u>	<u>PENDING</u>

I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Stephen A. Bent, Reg. No. 29,768; David A. Blumenthal, Reg. No. 36,257; John J. Feldhaus, Reg. No. 28,822; Donald D. Jeffery, Reg. No. 19,980; Eugene M. Lee, Reg. No. 32,039; Peter G. Mack, Reg. No. 26,001; Brian J. McNamara, Reg. No. 32,789; Sybil Meloy, Reg. No. 22,749; George E. Quillin, Reg. No. 32,792; Colin G. Sandcock, Reg. No. 34,508; Bernhard D. Saxe, Reg. No. 28,665; Richard L. Schwaab, Reg. No. 25,479; Arthur Schwartz, Reg. No. 22,115; Harold C. Wegner, Reg. No. 25,258.

Send all correspondence to **FOLEY & LARDNER**, 3000 K Street, N.W., Suite 500, P.O. Box 25696, Washington, D.C. 20007-8696.
Address telephone communications to Stephen A. Bent at (202) 672-5300.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First or Sole Inventor <u>Joel S. GREENBERGER</u>	Signature of First or Sole Inventor 	Date <u>5/6/95</u>
Residence Address <u>Sewickley, Pennsylvania</u>	Country of Citizenship <u>United States</u>	
Post Office Address <u>749 Chestnut Road, Sewickley, Pennsylvania 15143-1143</u>		

Signatures should conform to names as typewritten. Additional inventors on attached Page 2.

73
Applicant or Patentee: Joel GREENBERGER

Serial or Patent No.: 08/484,836

Atty. Dkt. No. 7633/108/UNOF

Filed or Issued: June 7, 1995

For: PROTECTION FROM IONIZING IRRADIATION OR CHEMOTHERAPEUTIC DRUG DAMAGE
BY IN VIVO GENE THERAPY

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27 (c)) — NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: UNIVERSITY OF PITTSBURGH
ADDRESS OF ORGANIZATION: 911 William Pitt Union, Pittsburgh, Pennsylvania 15260, U.S.A.

TYPE OF ORGANIZATION:

(X) UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
() TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) AND 501(c)(3))
() NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE)
(CITATION OF STATUTE)
() WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3) IF LOCATED IN THE UNITED STATES OF AMERICA
() WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE)
(CITATION OF STATUTE)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) or (b) of Title 35, United States Code with regard to the invention entitled PROTECTION FROM IONIZING IRRADIATION OR CHEMOTHERAPEUTIC DRUG DAMAGE BY IN VIVO GENE THERAPY by inventor(s) Joel S. GREENBERGER described in

() the specification filed herewith
(X) application serial no. 08/ 484,836, filed June 7, 1995
() patent no. , issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: _____
ADDRESS: _____
 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT CORPORATION

NAME: _____
ADDRESS: _____
 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT CORPORATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate: (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Frances J. Connell 8/2/95
TITLE OF PERSON OTHER THAN OWNER: Frances J. Connell, Director
ADDRESS OF PERSON SIGNING: 911 William Pitt Union, University of Pittsburgh, Pittsburgh, PA
SIGNATURE: Office of Technology Transfer and Intellectual Property DATE: August 2, 1995 15260